

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Gene Martin Auto Sales, Inc.,)	
)	
Plaintiff,)	
)	
v.)	Case Number: 2:07cv937-MEF
)	
Kevin Davis,)	
)	
Defendant.)	

**DEFENDANT KEVIN DAVIS' MOTION TO DISMISS PLAINTIFF'S FIRST
AMENDMENT TO COMPLAINT**

COMES NOW, the Attorney for the Defendant, Kevin Davis, the Sheriff of Chilton County, Alabama and pursuant to Fed. R. Civ. P. 12(b)(6) submits a Motion to Dismiss. As grounds in support of this motion, the Defendant states the following:

1. The Plaintiff's First Amendment to Complaint is due to be dismissed because the Plaintiff has failed to meet the heightened pleading standard as directed by this Court.

2. Attached hereto and made a part hereof by reference is the Defendant's Brief in Support of Motion to Dismiss

Respectfully submitted,

/s/ C. Winston Sheehan, Jr.
C. WINSTON SHEEHAN, JR. (SHE013)
Attorney for Defendant, Kevin Davis

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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2008, I electronically filed the foregoing with the Clerk of the Court, using the ALAFILE system which will send notification of such filing to the following registered persons and that those persons not registered with the ALAFILE system were served by U.S. mail:

Hon. Charles Cleveland
CLEVELAND & CLEVELAND, P.C.
2330 Highland Avenue South
Birmingham, Alabama 35205

/s/ C. Winston Sheehan, Jr.
OF COUNSEL